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In re application of :
LARICCHIA et al. : DECISION ON
Serial No. 10/027153 : PETITION
Filed: December 20/2001 :
For: Apparatus and process for Extracting Sulfur Compounds from a Hydrocarbon Stream

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181 filed October 16, 2006. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 27, 2006, for failure to timely file a proper reply to the Office letter of December 28, 2005 be withdrawn as the applicants did timely file a response thereto on March 28, 2006.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response was properly filed on March 28, 2006. Further, a subsequent response by the Examiner of record withdrawing the finality of the action dated December 28, 2005 was apparently not mailed.

Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely file a proper response to the Office letter mailed on December 28, 2005 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers originally filed March 28, 2006.

The Petition is **GRANTED**.

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